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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,253

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Rolf Hohmann

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4252

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06/22/2006

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EXAMINER

MITCHELL, KATHERINE W

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,253

Applicant(s)

HOHMANN ET AL.

Examiner

Katherine W. Mitchell

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-7, 9-11, 14-17 and 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 12, 13 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/23/04 and 11/11/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Formal Matters

Examiner thanks applicant for clear job of presenting application in large, clear font.

Election/Restrictions

Claims 3-7, 9-11, 14-17 and 18-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/10/2006

Oath/Declaration

Examiner suggests carefully reviewing the submitted Oath/Declaration to ensure that the inventors are correct. The Application Data Sheet named 5 inventors. The Oath/Dec lists 6 inventors, adding Chris Irgens, and adds a 7th inventor, listed as a 2nd third inventor (i.e., there are 2 people listed as third inventors), Michael Sheridan.

Claim Objections

1. Claim 1 and 12 and 22 (in case it is rejoined) are clarified to clarify the following informalities: examiner assumes the retention means secures the locking member in the first position OR the second position, not the first position and the second position, which would seem impossible. Since this appears to be a clear typing error, applicant can amend without this being new matter. Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities: In paragraph [0029], applicant is referring to the fourth, not the third, embodiment. .
Appropriate correction is required.

Claim Rejections - 35 USC § 102

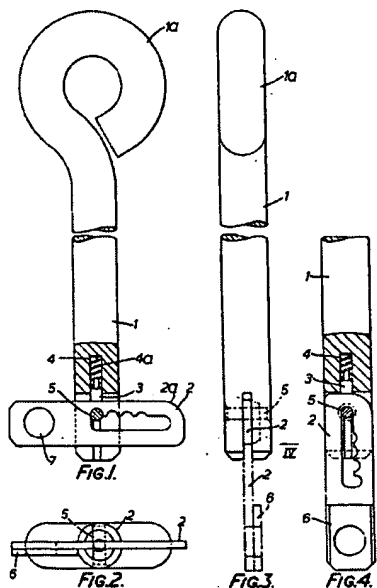
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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-212,13 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1011329 to Cooke.



Cooke teaches an integrated pin and clip comprising a shaft member (1) and a locking member (2) at a first end of said shaft, movable between a first position coaxial to the shaft (Fig 3 and 4) and a second position generally perpendicular to said shaft (Fig 1 and 2), and retention means that secures the locking member in the first or second position (page 1 col 2 line 84 - page 2 col 1 line 36; page 2 col 1 lines 54 - col 2 line 71.) "1A" is the angled portion at a second end of the shaft. The first position allows for insertion and

removal into a receiving hole; the second position would not allow for insertion and removal into/out of a receiving hole

5. Claims 1-212,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Collister USP 5507611.

Collister teaches an integrated pin and clip comprising a shaft member (102) and a locking member (10) at a first end of said shaft, movable between a first position coaxial to the shaft (Fig 4 and 6) and a second position generally perpendicular to said shaft (Fig 3 and 5), and retention means that secures the locking member in the first or second position (col 3 line 56 - col 4 line 60.) "104" is the angled portion at a second end of the shaft. The first position allows for insertion and removal into a receiving hole; the second position would not allow for insertion and removal into/out of a receiving hole.

6. Claims 1-212,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson USP 2223522.

Peterson teaches an integrated pin and clip comprising a shaft member (7) and a locking member (15) at a first end of said shaft, movable between a first position coaxial to the shaft (Fig 4) and a second position generally perpendicular to said shaft (Fig 1), and retention means that secures the locking member in the first or second position (page 1 col 2 line 29 - page 2 col 1 line 22) "6/8/1" is the angled portion at a second end of the shaft. The first position allows for insertion and removal into a receiving hole; the second position would not allow for insertion and removal into/out of a receiving hole (at least a portion of the integrated pin and clip is insertable and removable).

Claim Rejections - 35 USC § 103

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooke OR Collister OR Peterson as applied above in view of USP 5865559 to Yang OR USP 6193260 to Homan.

Cooke OR Collister OR Peterson teaches all the elements except nubs on the shaft. Yang teaches nubs or protrusions "49" on the shaft to assist with alignment when used with an opening having slots or grooves in col 3 lines 1-4 and col 4 lines 9-12. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Cooke OR Collister OR Peterson and Yang before him at the time the invention was made, to modify Cooke OR Collister OR Peterson as taught by Yang to include nubs or protrusions, in order to obtain alignment when used with mating apertures having slits or grooves. One would have been motivated to make such a combination because better alignment and easier insertion would have been obtained, as taught/suggested by Yang.

Cooke OR Collister OR Peterson teaches all the elements except nubs on the shaft. Homan teaches nubs "165, 145" on the shaft to assist with engagement of other members, such as a spring or cap, or to protect the shaft from damage.

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The retainer latch assembly 90 also incorporates a receptacle cap 150 that is attached to the open end 100 of the receptacle 95. The cap 150 cooperates with the spring seat pin 145 to capture an extension spring 160, or a compressible resilient member, not shown but known in the art, made from an elastic polymer such as rubber, that is sized for receipt about the medial portion 140 and within the recess 97. The type of spring shown in FIG. 2 is also sometimes referred to as a compression spring by those with skill in the art. The receptacle cap 150 can be made, for example, from a pipe cap having a diameter of about 0.75 inches such as

pressible resilient member. In this configuration, the extension spring 160 is operative to bias the spring seat pin 145, and in turn the latch pin 110, towards the extended position. The latch pin 110 may also include an extended position limit pin 165 that is included between the medial portion 140 and the handle end 125 that is operative to limit the extent to which the latch pin 110 extends when in the extended position. This pin 165 can be useful to minimize the possibility of damage occurring to the handle 130 when the hitch pin retainer assembly 10 is subjected to severe vibrations during operation.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Cooke OR Collister OR Peterson and Homan before him at the time the invention was made, to modify Cooke OR Collister OR Peterson as taught by Homan to include nubs, in order to assist in securing auxiliary components onto the shaft or protecting the shaft.

.Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell
Primary Examiner
Art Unit 3677

Kwm
6/16/2006

A handwritten signature in black ink, appearing to read 'K Mitchell', is written over the printed name and title of the examiner.